



NEW JERSEY
DEPARTMENT OF HEALTH
AND SENIOR SERVICES
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SANITATION IN FOOD AND NON-ALCOHOLIC BEVERAGE ESTABLISHMENTS

Revised Statutes 24:15-1 to 24:15-14

Revised Statutes 24:12-1 to 24:12-7

Penalties-Revised Statutes 24:17-1 to 24:17-2

**Rules Governing the Licensing of Food and Cosmetic Manufacturing
and Wholesale Establishments N.J.A.C. 8:21-9.1-9.7**

Rules Governing Wholesale Food Establishments N.J.A.C. 8:21-13.1-13.12

24:15-1. "Food establishment" defined. As used in this chapter, "food establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation or handling of food intended for sale or distribution.

"Drug establishment" defined. A "drug establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation and handling of drugs intended for sale or distribution.

"Cosmetic establishment" defined. A "cosmetic establishment" includes any place used in the production, preparation, manufacture, packing, storage, transportation and handling of cosmetics intended for sale or distribution but not including pharmacies licensed by the New Jersey Board of Pharmacy.

24:15A-1. No person shall keep or use in the manufacture, sale or keeping for sale, of any drink, beverage or food, nor shall any person offer for sale, sell or manufacture, for use in the preparation, storage or dispensing of a drink, beverage or food, any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, or conduit, or parts in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic substance that is or will be affected by the drink, beverage or food so that dangerous, unwholesome, or deleterious compounds are formed therein or thereby or such that the drink, beverage or food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health.

24:15A-2. Penalties; recovery and enforcement. Any person violating any provision of this act shall be subject to the penalties provided in chapter seventeen of Title 24 of the Revised Statutes. Such penalties shall be recovered and enforced in the same manner and in accordance with the procedure detailed in said chapter seventeen of Title 24 of the Revised Statutes.

24:15A-4. Applicability of act; enforcement. The provisions of this act shall be applicable throughout the State and shall supercede any ordinance or regulation inconsistent therewith. The provisions of this act shall be enforced by the State Department of Health and local boards of health.

24:15-2. Cleanliness, lighting, plumbing and ventilation. Every room in the building of a food, drug or cosmetic establishment shall be properly lighted, drained, plumbed and ventilated and the operations carried on therein shall be conducted in such a manner that the purity, quality and wholesomeness of the food, drug or cosmetic therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

24:15-3. Construction of walls and floors. The side walls of every room in a food, drug or cosmetic establishment wherein food or drugs are produced, manufactured, packaged, stored or handled, shall be made of or coated with a suitable washable surface.

Every room of a food, drug or cosmetic establishment in which food, drugs or cosmetics are exposed shall have a tight floor made of cement or of tile laid in cement, brick, hard wood or other suitable material which can be properly cleaned.

24:15-4. Cleanliness; hydrocyanic acids or salts; running water; multi-use utensils.

(a) The floors, side walls, ceilings, furniture, receptacles, implements and machinery of every food, drug or cosmetic establishment and all vehicles, used in the transportation of food products, drugs or cosmetics shall be kept in a clean and sanitary condition. No person shall transport food, drugs or cosmetics in such manner that the purity, quality or wholesomeness thereof shall be impaired.

(b) No polishes or substances containing hydrocyanic acid or salts thereof shall be used for the cleaning or polishing of articles or utensils used for the service or preparation of food or foodstuffs in any food establishment or articles used in the processing, packing or storage of drugs or cosmetics in a drug or cosmetic establishment.

(c) An adequate supply of running water under pressure shall be easily accessible to all rooms in which food, drugs or cosmetics are prepared, manufactured, packed, stored or handled and shall be provided in all rooms in which utensils and equipment are washed.

(d) All multi-use utensils, equipment, tools and receptacles in a food, drug or cosmetic establishment, used in connection with the processing, manufacture, packing, storage or handling of foods, drugs or cosmetics intended for distribution or sale, shall be thoroughly cleaned and sanitized immediately after each usage.

24:15-5. Protection of food from contamination; removal of refuse. All food, drugs or cosmetics intended for distribution or sale in the process of production, manufacture, preparation, packing, storing or transportation shall be securely protected from flies, vermin, dust, dirt and so far as possible, by the use of all reasonable means, from all other foreign or injurious contamination. The refuse, dirt and waste products subject to decomposition or fermentation shall be removed daily.

24:15-6. Clothing of employees to be kept clean. The clothing worn by all persons while engaged in work in any food, drug or cosmetic establishment shall be in a clean condition at all times.

24:15-7. Toilet facilities for and personal cleanliness of employees. All employees of a food, drug or cosmetic establishment who handle the material from which food, drugs or cosmetics intended for distribution or sale are prepared, or the finished product shall, before beginning work and after visiting the toilet, wash their hands and arms thoroughly with clean water and soap. Every person owning or operating a food, drug or cosmetic establishment shall provide adequate facilities for such washing and shall take all reasonable means to compel such employees to perform such washing.

Adequate, conveniently located toilet facilities shall be provided for employees on the premises of a food, drug or cosmetic establishment.

All toilet rooms shall be separate from the rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics are carried on and shall be kept in a clean and sanitary condition.

24:15-8. Expectoration prohibited. No person shall expectorate in any room in a food, drug or cosmetic establishment used for the production, manufacture, preparation, packing, storage, sale or distribution of food, drugs or cosmetics.

24:15-9. Sleeping in rooms of food establishment. No person shall be allowed to live or sleep in any room where food, drugs or cosmetics intended for sale or distribution are produced, manufactured, packed, stored, distributed or sold.

24:15-10. Persons affected with communicable disease. No employer shall require, permit or allow any person to work, nor shall any person work in any food, drug or cosmetic establishment who is ill or infected with a communicable disease as defined in section 26:4-1 of the Revised Statutes.

24:15-11. Order to abate violation in lieu of prosecution. Whenever a person shall violate any provision of this chapter the State department or local board may, in its discretion, instead of prosecuting such person for the recovery of any prescribed penalty, cause an order to be served on such person commanding him to discontinue or abate the violation or to make such improvement as may be necessary to abate the violation within a reasonable time to be fixed in the order by the State department or local board. The order shall be in writing and the person receiving it shall have the right to be heard either in person or by attorney by the department or board issuing the order.

24:15-12. Furnishing and posting abstract of law. Every person conducting a food, drug or cosmetic establishment shall upon request be furnished by the State department with an abstract of this chapter. The person receiving such abstract shall keep it posted in plain view in such place so that it can be easily read by the employees entering and leaving the establishment.

24:15-13. License; necessity; fee; exemptions. Every establishment falling within the scope of this chapter shall be licensed by the Commissioner of Health with a fee to be charged therefor, except that a license pursuant to this chapter need not be secured by any such establishment, the activities of which are subject to licensure pursuant to any other provision of this Title or to inspection and licensure by a local department of health, or the facilities and warehouses or growers and associations or organizations of growers of raw agricultural commodities and all raw agricultural commodity farm area sales and shipping points where such raw agricultural commodities are not subjected to processing other than washing, cleaning, cooling, waxing, grading, sizing and packaging.

24:15-14. Fees for license or inspection. Where no other fee is provided by law or regulation, the commissioner may in accordance with a fee schedule adopted by him as a rule or regulation establish and charge reasonable fees for any service performed in the licensing and inspection of any premises coming within the provisions of this chapter. The fees charged as provided for by this section shall be no more than \$500.00 based on criteria set forth in the rule or regulation.

NON-ALCOHOLIC BEVERAGE STATUTORY REQUIREMENTS

N.J.R.S. 24:12-1. "Non-alcoholic drink" defined. As used in this chapter, "non-alcoholic drink" includes carbonated beverages of all flavors, sarsaparilla, ginger ale, soda water of all flavors, lemonade, orangeade, root beer, grape juice, and all other beverages of any kind of character, whether similar or not to any beverage specifically mentioned above, either containing no alcohol at all or containing not more than one percent of alcohol, and shall include beverages purported to be for special dietary uses except where hereinafter in this chapter specifically excepted.

24:12-2. Prohibited adulterations; drinks containing water treated with fluorides. No person shall distribute or sell, or manufacture for distribution or sale, or have in his possession with intent to distribute or sell, any non-alcoholic drink, except beverage purported to be for special dietary uses, which contains glucin, saccharin, sodium cyclamate, calcium cyclamate or other non-nutritive sweeteners.

The provisions of this section shall not prohibit the manufacture of, or the sale, distribution or possession of, non-alcoholic drinks which contain water obtained from a public water supply, treated with fluorides in a manner approved by the State Department of Health.

24:12-4. False advertising. No person shall distribute or sell or have in his possession with intent to distribute or sell any non-alcoholic drink at any place where false or fraudulent statements or designs are displayed concerning such drink.

24:12-5. License to engage in bottling; fee. No person engaged in the business of bottling water for drinking purposes or of bottling any non-alcoholic drink within this State for sale at wholesale, shall sell or deliver any such water or non-alcoholic drink without first obtaining a license from the State department authorizing him to engage in the business of bottling water for drinking purposes or of bottling any non-alcoholic drink. A fee of \$50 shall be charged for any license so issued, except that this fee shall not be charged to a person who pays a fee pursuant to N.J.S.A. 24:12-13, the law authorizing separate fees for water bottling plants.

24:12-6. Issuance of license; period of. The State department may issue licenses to persons engaged in the business of bottling water for drinking purposes or of bottling any non-alcoholic drink within this State, but no such license shall be issued until the rules and regulations of the State department have been complied with.

No such license shall be issued for more than one year and all such licenses shall expire June thirtieth of each year.

24:12-7. Revocation of license. The State department, after a hearing upon notice, may revoke the license issued to any person to bottle water or any non-alcoholic drink if any laws or rules and regulations of the department have been violated.

The license issued to any person to bottle water or any non-alcoholic drink may be suspended at any time when such action is necessary to abate a present or threatened menace to public health. A person whose license has been so suspended shall be afforded a hearing within 7 days after the suspension, or thereafter at such person's option, to show cause why the suspension should be lifted.

24:17-1. Penalties. (a) Any person who shall violate any provision of this subtitle, or any rule or regulation of the State department made pursuant thereto, or who shall refuse to comply with any lawful order or direction of the department, shall be liable to the following penalties, unless otherwise specifically provided:

- (1) For each first offense a penalty of one hundred dollars;
- (2) For each second offense a penalty of two hundred dollars;
- (3) For each third and every subsequent offense a penalty of four hundred dollars.

24:17-2. Different places or days as separate violations.

The production, preparation, manufacture, distribution, sale, offering or exposing for sale or having in possession with intent to distribute or sell of any food, drug, cosmetic or device in different places on the same day, or in the same place on different days, in violation of any provision of this subtitle, or of any rule or regulation of the State department made pursuant thereto, or to any lawful order or direction of the department given thereunder, shall each be deemed to be a separate violation.

SUBCHAPTER 9.

Rules Governing the Licensing of Food and Cosmetic Manufacturing and Wholesale Establishments. (Effective 9/22/2000)

N.J.A.C. 8:21-9.1. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Person" shall mean an individual or firm, partnership, company, corporation, trustee, association, or any public or private entity.

"Retail establishment" means any place engaged in the production, preparation, processing, manufacture, packing, storage or handling of food or cosmetics for sale or distribution directly to the consumer.

"Wholesale establishment" means any place engaged in the production, preparation, processing, manufacture, packing, storage or handling of food or cosmetics for sale or distribution to any other person other than the ultimate consumer.

N.J.A.C. 8:21-9.2. Scope of regulations. (a) Every wholesale establishment falling within the definitions of N.J.S.A. 24:15-1, must obtain a license from the Department except as hereinafter exempted.

(b) A separate license shall be obtained for each wholesale food and cosmetic establishment operated within the state.

N.J.A.C. 8:21-9.3. Exemptions. (a) The following establishments shall be exempt from the licensing provisions of Chapter 158, P.L. 1971, but shall comply with all other provisions of Chapter 15, Title 24, N.J.S.A., and all pertinent rules and regulations enforced by the department.

1. Retail food and cosmetic establishments;
2. Establishments subject to licensure under other provisions of Title 24, N.J.S.A.;

3. Establishments inspected and licensed by a local health department;

4. Growers of raw agricultural commodities delivering their produce to food processing establishments.

N.J.A.C. 8:21-9.4. License requirement

(a) Every person owning or operating a wholesale food or cosmetic establishment within the State shall apply annually for a license to operate such establishment on forms provided by the department.

(b) The application shall have attached thereto an affidavit of the person or some member or officer of the association, partnership or corporation applying therefor, stating that the facts set forth therein are true and correct.

N.J.A.C. 8:21-9.5. License fees

(a) The Department shall collect from each applicant for a license, under the provisions of these rules, an annual fee in the following amounts:

1. For each wholesale food or cosmetic establishment with a gross annual business not in excess of \$100,000, one hundred dollars (\$100.00);

2. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$100,000 but not in excess of \$500,000, three hundred dollars (\$300.00);

3. For each wholesale food or cosmetic establishment with a gross annual business in excess of \$500,000, five hundred dollars (\$500.00).

N.J.A.C. 8:21-9.6. Expiration of license; nontransferability of license

(a) Upon approval of the application for a license and of the sanitary condition of the food or cosmetic establishment and upon payment of the required license fee, the department shall issue to each applicant a license which shall expire one year from the last day of the month in which the original application is received and yearly thereafter.

(b) Such license shall not be transferable with respect to persons or locations.

N.J.A.C. 8:21-9.7. Revocation of license

(a) Upon evidence duly ascertained by the Department or furnished to the Department by any local board of health, that the licensee licensed under the provisions of this Act is violating any of the rules, regulations or statutes as hereinbefore provided, the Department shall upon hearing and proof of allegation, revoke the license of such licensee. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) No such license shall be renewed or restored until the Department is satisfied that all the provisions of this Act and pertinent rules and regulations are complied with.

(c) The Department, when in its judgment the protection of public health warrants, may, before hearing suspend such license pending the hearing, in which event it shall be unlawful for the licensee whose license is thus suspended to engage in the business for which the license was granted during such period of suspension.

SUBCHAPTER 13. RULES GOVERNING WHOLESALE FOOD ESTABLISHMENTS

N.J.A.C. 8:21-13.1 Scope

The following rules shall apply to all wholesale food establishments, including establishments bottling non-alcoholic beverages. For the purpose of these rules, the term "food" used throughout these rules shall also include "non-alcoholic drink" as defined under N.J.S.A. 24:12-1.

N.J.A.C. 8:21-13.2 Separability

If any provision or application of any provision of this regulation is held invalid, that invalidity shall not affect other provisions or applications of this regulation.

N.J.A.C. 8:21-13.3 Definitions

The following words and terms when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Adequate" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"Adulteration" means the term "adulteration" as defined in N.J.S.A. 24:5-8.

"Approved" shall mean acceptable to the Department, Local Health Authority, or other appropriate Administrative Agency based on its determination as to the conformance with applicable standards and good public health practices.

"Color additive" means a material which is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and when added or applied to a food, drug or to the human body or any part thereof, is capable (alone or through reaction with other substance) of imparting color thereto; except that the term does not include any material which the Commissioner, by regulation, determines is used (or is intended to be used) solely for a purpose or purposes other than coloring and nothing herein contained shall be construed to apply to any pesticide chemical, soil or plant

nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil and thereby affecting its color whether before or after harvest. The term "color" includes black, white and intermediate grays.

"Department" means the New Jersey State Department of Health.

"Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21, U.S.C. 301 et seq.: 52 Stat. 1040 et seq.).

"Food" means: 1. Articles used for food or drink for man or other animals; 2. Chewing gum; and 3. Articles used for components of any such article.

The term also includes any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale in whole or in part of food.

"Food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and including any source of radiation intended for any such use), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; except that the term does not include:

1. A pesticide chemical in or on a raw agricultural commodity; or
2. A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or
3. A color additive; or
4. Any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat., 1260), as amended and extended (21 U.S.C. 71).

"Food contact surfaces" are those surfaces that contact food and those surfaces from which drainage onto foods or onto surfaces that contact food ordinarily occurs during the normal course of operations.

"Local Health Authority" means the local board or local board of health of any municipality or the boards, body or officers in such a municipality lawfully exercising any of the powers of the local board of health under the laws governing such municipality, and includes any consolidated board of health, local or county board of health created and established pursuant to law.

"Lot" means a collection of primary containers or units of the same size, type, and style containing a finished product produced under conditions as nearly uniform as possible and designated by a common container, code or marking; and, in any event, "lot" means no more than a day's production or 24 hours.

"Misbranding" means the "misbranded" or "misbranding" as defined in N.J.S.A. 24:5-16 and 17.

"Multi-service containers" means containers intended for use more than one time.

"Non-alcoholic drink" means beverages as defined under N.J.S.A. 24:12-1.

"Nontoxic materials" means materials for food contact surfaces utilized in the transporting, processing, storing, or packaging of food which are free of substances which may render the food injurious to health or which may adversely affect the flavor, color, odor, or bacteriological quality of the food.

"Person" means an individual, a firm, partnership, company, corporation, trustee, association or any public or private entity.

"Pesticide chemical" means any substance which, alone, in chemical combination or in formulation with one or more other substances, is a "pesticide" within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135) as now in force or as hereafter amended, and which is used in the production, storage, or transportation of raw agricultural commodities.

"Plant" means the building or facility or parts thereof, used for or in connection with the manufacturing, storage, processing, packaging, labeling, or handling of food and non-alcoholic drinks which is not sold or distributed directly to the ultimate consumer (retail).

"Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs, or foods which have a pH level of 4.6 or below or a water activity (a...) value of 0.85 or less.

"Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

"Rework" means clean unadulterated product, removed after or during processing, that is suitable for reprocessing and for use as food.

"Safe temperatures" as applied to potentially hazardous food, means temperatures of 45 degrees Fahrenheit or below, and 140 degrees Fahrenheit or above unless otherwise specified, and 0 degrees Fahrenheit or below for frozen foods.

"Sanitize" means adequate treatment of surfaces by a process that is effective in destroying the vegetative cell of microorganisms of public health significance and in substantially reducing numbers of other microorganisms.

Such treatment shall not adversely affect the product and shall be safe for the consumer.

"Single service container" means a container intended for one-time usage only.

N.J.A.C. 8:21-13.4 Facilities and procedures for the storage, distribution, handling and processing of food and non-alcoholic drinks

(a) Grounds: The grounds surrounding a plant under the control of the operator shall be kept in a condition that will not cause the food to be contaminated and/or adulterated. The methods for adequate maintenance as a minimum shall be:

1. Properly storing equipment, removing litter, and waste, and cutting weeds or grass within the immediate vicinity of the plant buildings or structures that may constitute an attractive, breeding place or harborage for rodents, insects or other pests.

2. Maintaining roads, yards and other parking lots so that they do not constitute a source of contamination to the food.

3. Adequately draining areas that may contribute contamination to food by seepage, by foot-borne filth, or by providing a breeding place for rodents, insects or other pests.

(b) Plant Layout and Design: Buildings used for and in conjunction with the handling of food shall be suitable in size, construction and design to facilitate maintenance and sanitary operations for processing purposes. The plant layout and design shall be in such a manner that the purity, quality, and wholesomeness of the food therein manufactured, produced, packaged, prepared, stored, sold or distributed shall not be impaired. No loading or unloading of trucks or other vehicles shall take place within an establishment unless acceptable segregation or isolation of the mixing, processing or filling operations is provided. The plant and facilities shall:

1. Be kept in good repair and shall be maintained in a sanitary condition at all times.

2. Provide sufficient space for such placement of equipment and storage of materials as is necessary for sanitary operations.

3. Take proper precautions to reduce the potential for contamination of end products, raw materials, or food-packaging materials with microorganisms, chemicals, filth, or other extraneous material. The potential for contamination shall be reduced by any effective means including the separation by location, partition, air flow, enclosed systems or other effective means, of the following operations:

- i. Receiving;
- ii. Raw material storage;
- iii. Food preparation and processing operations;
- iv. Weighing, wrapping, packaging, and packing;

- v. Finished product storage and shipping;
- vi. Portable equipment and utensil cleaning and sanitizing; and
- vii. Equipment and vehicle maintenance.

4. Provide floors, walls and ceilings that are of such construction as to be easily cleanable and shall be kept clean and in good repair. Fixtures, ducts, and pipes shall be installed in such a manner that drip or condensation does not contaminate the food, raw materials or food contact surfaces. Aisles or walking spaces between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties without contamination of the food or food contact surfaces.

5. Permanently fixed artificial light sources shall be installed to provide:

i. At least 20 foot candles of light in utensils and equipment storage areas and in lavatory and toilet areas.

ii. At least 10 foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas. This shall also include dining areas during cleaning operations.

iii. Permanently fixed artificial light sources shall be installed to provide at least 30 foot candles of light on all food preparation surfaces and at equipment or utensil-washing work levels.

iv. Light fixtures which are located in processing, preparation, equipment/utensil washing areas or other areas where food may be exposed shall be of the safety/shatter-proof type, or otherwise protected to prevent food contamination and/or adulteration in cases of breakage.

6. Ventilation:

i. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, grease, condensation, vapors, obnoxious odors, smoke, product dust and fumes;

ii. Exhaust hoods and ventilating devices shall be maintained clean and operated in areas where needed to expel excessive heat, steam, vapor, smoke, grease, fumes, product dust and obnoxious odors and to prevent the dissipation of these objectionable odors throughout the room;

iii. On all new installations or in extensively remodeled establishments, ventilating systems, including hood ventilators, shall be designed, maintained and operated in accordance with N.J.A.C. 5:23-1 and shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces;

iv. All ducts in ventilating hoods shall be provided with filters which are readily removable for cleaning and replacement excepting those systems which are effectively self-cleaning;

v. Ventilation systems shall comply with applicable State and local fire prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance;

vi. Where intake or exhaust air ducts are

used, they shall be designed and maintained so as to prevent the entrance of dust, dirt, insects, rodents or other contaminating materials;

vii. In new or extensively remodeled establishments, all rooms from which obnoxious odors, vapors or fumes originate shall be mechanically vented to the outside.

N.J.A.C. 8:21-13.5 Sanitary facilities and controls

(a) The establishment shall be provided with adequate sanitary facilities and control measures to protect the purity, quality, and wholesomeness of the food. Facilities and controls shall include, but not be limited to the requirements of this section.

(b) Water supply: The water supply shall be sufficient for the operations intended and shall be derived from an adequate and approved source. Any water that contacts food or food-contact surfaces shall be safe and of adequate sanitary quality. Running water at a suitable temperature and under pressure as needed shall be provided in all areas where the processing of food, the cleaning of equipment, utensils, or containers, or employee sanitary facilities require.

1. The water supply shall be from a public or private water supply system which is constructed, protected, operated, and maintained in conformance with the New Jersey Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq.) and regulations (N.J.A.C. 7:10-1) and local laws, ordinances, and regulations; provided, that if approved by the Department of Environmental Protection, a nonpotable water supply system may be permitted within the establishment for purposes such as air conditioning and fire protection, only if such system complies fully within N.J.A.C. 8:24-6.6 (Size, installation and maintenance of plumbing), and the nonpotable water supply is not used in such a manner as to bring it into contact, either directly or indirectly, with food, food equipment or utensils.

(c) Sewage: All sewage and waste water shall be disposed of by means of a public sewage system or disposal system which is constructed and maintained in conformance with N.J.A.C. 7:9-2, Standards for the Construction of Individual Subsurface Sewage Disposal Systems, the New Jersey Water Pollution Control Act regulations, N.J.A.C. 7:14 and local laws, ordinances, and regulations.

(d) Plumbing: Plumbing shall be so sized, installed and maintained in accordance with applicable State and local standards as to carry sufficient quantities of water to required locations throughout the establishment; prevent contamination of the water supply; properly convey sewage and liquid waste from the establishment to the sewer or sewage disposal system; and does not constitute a source of contamination of food, equipment, or utensils or create an unsanitary condition or nuisance.

(e) Drains: Provide adequate floor drainage in all areas where floors are subject to flood-type cleaning or

where normal operations release or discharge water or other liquid waste on the floor.

(f) Toilet facilities: Each plant shall provide its employees with adequate toilet and associated hand-washing facilities within the plant. The facilities shall be maintained in a sanitary condition and kept in good repair at all times. Doors to toilet rooms shall be self-closing and shall not open directly into areas where food is exposed to airborne contamination, except where alternate means have been taken to prevent such contamination (such as double doors, positive air-flow systems, etc.).

1. Toilet facilities shall be installed in accordance with N.J.A.C. 5:23-1. When a common toilet is used for employees and patrons, access shall not be through food preparation, food storage and utensil and equipment washing areas.

2. A supply of toilet tissue shall be provided at each toilet at all times. Handwashing signs for example, "Wash Hands Before Resuming Work," shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in a food plant. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms for women shall be covered. Such receptacles shall be emptied at least once a day, and more frequently when necessary, to prevent excessive accumulation of waste material.

3. Hot and cold water under suitable pressure shall be provided in toilet facilities. (90°F-105°F)

(g) Handwashing facilities: Adequate and convenient facilities for handwashing and where appropriate, hand sanitizing shall be provided at each location in the plant where good sanitary practices require employees to wash or sanitize and dry their hands. Such facilities shall be furnished with running water at 90 degrees Fahrenheit to 105 degrees Fahrenheit for handwashing, effective hand-cleaning and sanitizing preparations, sanitary towel service or suitable drying devices, and where appropriate, easily cleanable waste receptacles.

1. Handwashing facilities shall be installed in accordance with N.J.A.C. 5:23-1 and used only for the washing of hands and arms.

2. Each handwashing facility shall be designed to provide hot and cold or tempered water. Tempering may be accomplished by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

(h) Rubbish and offal disposal: Rubbish and any offal shall be so conveyed, stored, and disposed of as to minimize the development of odor, prevent waste from becoming an attractant and harborage or breeding place for vermin, and prevent contamination of food, food-contact surfaces, ground surfaces, and water supplies. Rubbish and offal disposal shall also be in conformance with N.J.A.C. 8:24-6:10.

N.J.A.C. 8:21-13.6 Sanitary operations

(a) General maintenance: Buildings, fixtures, and other physical facilities of the plant shall be kept in good repair and shall be maintained in a sanitary condition. Cleaning operations shall be conducted in such a manner as to minimize the danger of contamination of food and food-contact surfaces. Detergents, sanitizers, and other supplies employed in cleaning and sanitizing procedures shall be free of significant microbiological contamination and shall be safe and effective for their intended uses. Only such toxic materials as are required to maintain sanitary conditions, for use in laboratory testing procedures, for plant and equipment maintenance and operation, or in manufacturing or processing operations shall be used or stored in the plant. These materials shall be identified and used only in such manner and under conditions as will be safe for their intended uses and stored in such a manner as to preclude the contamination to the product.

(b) Animal and vermin control: No animals or birds, other than those essential as raw material, shall be allowed in any area of a food plant. Effective measures shall be taken to exclude pests from the processing and storage areas and to protect against the contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects). The use of insecticides or rodenticides is permitted only under such precautions and restrictions as will prevent the contamination of food or packaging materials with illegal residues.

1. No person shall apply insecticides or rodenticides in or around any food establishment unless they do so in full compliance with New Jersey Department of Environmental Protection regulations N.J.A.C. 7:30.

(c) Sanitation of equipment and utensils: All utensils and food-contact surfaces of equipment shall be cleaned as frequently as necessary to prevent contamination of food and food products. Nonfood-contact surfaces of equipment used in the operation of food plants shall be cleaned as frequently as necessary to minimize accumulation of dust, dirt, food particles, and other debris. Single-service articles (such as utensils intended for one-time use, paper cups, paper towels, etc.) shall be stored in appropriate containers and handled, dispensed, used, and disposed of in a manner that prevents contamination of food and food-contact surfaces.

1. Where necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and food-contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surface may have become contaminated.

2. Where such equipment and utensils are used in a continuous production operations, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule using adequate methods for cleaning and sanitizing. Sanitizing agents shall be effective and safe under conditions of use.

3. Any facility, procedure, machine, or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine, or device will routinely render equipment and utensils clean and provide adequate sanitizing treatment.

4. Equipment and utensil cleanliness and sanitizing procedures shall also be in conformance with the procedures as outlined in N.J.A.C. 8:24-5.3 through 5.6.

(d) Storage and handling of cleaned portable equipment and utensils: Cleaned and sanitized portable equipment and utensils with food-contact surfaces shall be stored in such a location and manner that food-contact surfaces are protected from splash, dust, and other contamination.

N.J.A.C. 8:21-13.7 Equipment and procedures

(a) General: All plant equipment and utensils shall be suitable for their intended use, so designed and of such material and workmanship as to be adequately cleanable and properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment shall be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

1. Food-contact surfaces shall be corrosion free when in contact with food. They shall be made of nontoxic material that will withstand the environment of its intended use and action of food ingredients, cleaning compounds, and sanitizing agents. All food-contact surfaces shall be maintained to prevent product contamination.

2. Seams in food-contact surfaces shall be smoothly bonded or maintained so as to minimize accumulation of food particles or to prevent microbiological contamination in places where dirt or organic material might accumulate.

3. Equipment that is in the processing or food handling area and that does not come into contact with product shall be so constructed that it can be kept in a clean condition.

4. Ingredient and product holding, conveying, and processing systems that include, but are not limited to, gravimetric, pneumatic, closed and automated systems shall be of a design and construction that enables them to be cleaned and sanitized.

5. Regulating and recording controls, thermometers, other temperature measuring devices, and temperature recording devices on equipment used to sterilize, pasteurize, or otherwise control or prevent growth of microorganisms in raw materials or products shall be accurate, effective, and adequate in number for their designated uses.

6. Each freezer and cold storage compartment used for storing and holding raw materials or products

capable of supporting growth of microorganisms shall be fitted with an indicating thermometer, temperature measuring device and/or temperature recording device so installed as to show the temperature accurately within the compartment. Thermometers and other temperature recording devices shall be accurate to +2°Fahrenheit.

7. Instruments used for measuring or regulating pH, acidity, water activity, or other conditions that control or prevent undesirable microbial growth in foods shall be precise and properly maintained.

8. All compressed air or other gases, mechanically introduced into foods or used to clean food-contact surfaces or equipment, shall be adequately filtered or washed and shall be free of oil and other extraneous material that might contaminate the foods.

9. All equipment ports, hatches and other openings shall be provided with tight fitting covers and shall be kept in place and used to prevent airborne contamination and/or adulteration.

10. The design, construction, installation, and materials for food equipment, shall be in compliance with N.J.A.C. 8:24-5.1 and 5.2.

11. Equipment used to bottle, cap and sanitize multi use containers in a non-alcoholic drink bottling plant shall conform to the requirements set forth under N.J.A.C. 8:21-5.7(f) and (g) and N.J.A.C. 8:21-5.11.

N.J.A.C. 8:21-13.8 Personnel

(a) No person, while affected by a disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other sources of microbiological contamination, shall work in a plant in any capacity in which there is a reasonable possibility of food or food ingredients becoming contaminated by that person, or of disease being transmitted by that person to other individuals.

(b) All persons, while working in direct contact with food preparation, food ingredients, or food contact surfaces shall conform to good hygienic practices to the extent necessary to prevent contamination of food products. The methods for maintaining cleanliness shall include, but are not limited to:

1. Wearing clean outer garments in a manner that prevents the contamination of food;

2. Maintaining a high degree of personal cleanliness;

3. Washing hands thoroughly (and sanitizing if necessary to prevent contamination by undesirable microorganisms) in an adequate hand-washing facility before starting work, after each absence from work station, and at any other time when the hands may have become soiled or contaminated;

4. Removing all insecure jewelry and during periods in which food and beverages are manipulated by hand, removing from hands any jewelry;

5. If gloves are used in food handling, maintaining them in an intact, clean, and sanitary condition.

Gloves shall be made of non-absorbent material, and can be easily cleaned and sanitized if they are designed for re-use;

6. Wearing hair nets, headbands, caps, beard covers, or other effective hair restraints in an effective manner; and

7. Refrain from smoking in food preparation areas.

N.J.A.C. 8:21-13.9 Production and process controls

(a) All operations in the receiving, inspecting, transporting, packaging, segregating, preparing, processing, and storing of food shall be conducted in accord with adequate sanitation principles. Overall sanitation of the plant shall be under the supervision of an individual assigned responsibility for this function. All reasonable precautions, including the following, shall be taken to assure that production procedures do not contribute contamination such as filth, harmful chemicals, undesirable microorganisms, or any other objectionable material to the processed product.

(b) Raw material and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into food and shall be stored under conditions that will protect against contamination and minimize deterioration. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing, or conveying of food products shall be of approved quality, and water shall not be reused for washing, rinsing, or conveying products in a manner that may result in contamination of food products.

(c) Containers and carriers of raw ingredients shall be inspected on receipt to assure that their condition has not contributed to the contamination or deterioration of the products.

(d) When ice is used in contact with food products, it shall be made from potable water and shall be used only if it has been manufactured in accordance with accepted standards and stored, transported, and handled in a sanitary manner.

(e) Food processing areas and equipment used for processing human food shall not be used to process nonhuman food-grade animal feed or inedible products unless there is no reasonable possibility for the contamination of the human food.

(f) Processing equipment shall be maintained in a sanitary condition through frequent cleaning including sanitization where indicated. Insofar, as necessary, equipment shall be taken apart for thorough cleaning.

(g) All food processing, including packaging and storage, shall be conducted under such conditions and controls as are necessary to minimize the potential for undesirable bacterial or other microbiological growth, toxin formation, or deterioration or contamination of the processed product or ingredients. This may require careful monitoring of such physical factors as time, temperature, humidity, pressure, flow-rate and such processing operations as freezing, dehydration, heat processing, and refrigeration

to assure that mechanical breakdowns, time delays, temperature fluctuation, and other factors do not contribute to the decomposition or contamination of the processed products.

(h) Chemical, microbiological, or extraneous-material testing procedures shall be utilized where necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be effectively accomplished.

(i) Packaging process and materials shall not transmit contaminants or objectionable substances to the products and shall provide adequate protection from contamination.

(j) Meaningful coding of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity shall be utilized to enable positive lot identification to facilitate, where necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records shall be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.

(k) Storage and transportation of finished products shall be under such conditions as will prevent contamination, including development of pathogenic or toxigenic microorganisms, and will protect against undesirable deterioration of the product and the container. All potentially hazardous food shall be kept at 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above, and frozen foods at or below 0 degrees Fahrenheit during transportation, provided that, cold food may be allowed to reach 55 degrees Fahrenheit and hot food may be allowed to reach 130 degrees Fahrenheit if they are to be consumed within one-half hour of plating. During transportation all food shall be in covered containers or completely wrapped or packaged so as to be protected from contamination and maintain safe temperatures except for hanging meats and raw agricultural products, which will be prepared for consumption in such a manner to remove the danger of possible contaminants. All food transportation vehicles, including carts, trucks, vans and trailers shall be kept clean, free of vermin and in good repair.

(l) Perishable and potentially hazardous food shall be stored at safe temperature and in accordance with the standards set forth in N.J.A.C. 8:24-3.2

(m) Containers of food shall be stored above the floor, on clean racks, dollies or other clean surfaces in such a manner as to be protected from splash and other contamination. Additionally, foods in bulk storage must be elevated four to six inches above the floor on racks or dollies and aisles must be provided between articles in storage and walls, and masses of foods must be broken down into manageable cells with aisles to allow for cleaning and inspection and to prevent insect and/or rodent harborage.

1. Foods in bulk storage shall be stored at least 12 inches from each wall and there shall be a white inspection strip on the floor along each wall where food is stored.

2. Foods packaged in cans, glass or other vermin-proof containers sealed in shipping cartons and stored on clean surfaces in rooms, the floors of which are not frequently washed or otherwise subjected to water, need not be elevated and aisles need not be provided if containers are in temporary storage for five days or less or stored on dollies, skids, racks or open-ended pallets, provided such equipment is easily removable either by hand or with the use of pallet moving equipment that is on the premises and used, and the areas are clean, and rodent, insect or other vermin harborages are not provided.

N.J.A.C. 8:21-13.10 Code of Federal Regulation References

The following federal standards as now enforced and thereafter amended are being adopted and incorporated by reference and shall apply in determining whether a food establishment falling within the scope of N.J.S.A. 24:15-1 and non-alcoholic beverage establishments falling within the scope of N.J.S.A. 24:12-1 are operating in conformity with the applicable: Code of Federal Regulations, Title 21, Subchapter B- Food for Human Consumption, sections 100, 101, 102, 104, 105, 108.35 (c)(3)ii, 108.35 (f), (g) and (h), 109.15, 113, 114, 118, 122, 123, 130, 131, 133, 135, 136, 137, 139, 145, 146, 150, 152, 155, 156, 158, 160, 161, 163, 164, 166, 168, 169, 170, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 184, 186, 189, and 193.

N.J.A.C. 8:21-13.11 Unsafe Foods

(a) Foods shall be considered unsafe if:

1. It bears or contains any added or adulterating substance which is unsafe; or

2. It is, bears, or contains any food additive which is unsafe; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under the Federal Act and the raw agricultural commodity has been subjected to processing such canning, freezing, dehydration, or milling, the residue of such pesticide chemical remaining in or on the processed food shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity;

3. If it is, or it bears or contains a color additive which is unsafe under the Federal Act;

4. If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect under the Federal Act.

N.J.A.C. 8:21-13.12 Emergency occurrences

(a) In the event of a fire, flood, power outage, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, the person in charge shall immediately take necessary remedial action so as to prevent the adulteration of food. A fire, flood, or power outage of such duration or similar event which jeopardizes food safety shall be reported promptly to the department and the local health authority.

(b) Only those salvaged foods which comply with N.J.A.C. 8:21-11.1 entitled "Dented Cans: Salvaged or Distressed Foods, Alcohol and Non-alcoholic Beverages and Industrial Mishandling" may be used or offered for sale.